

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Mcdonalds		b. Tel. No. (330) 769-2008
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 6074 Speedway Dr. Seville OH 44273	e. Employer Representative (b) (6), (b) (7)(C)	g. e-Mail
		h. Number of workers employed 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Services	j. Identify principal product or service Fast food	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

(1) Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities. (2) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C) Title:

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.
(b) (6), (b) (7)(C)4c. Cell No.
(b) (6), (b) (7)(C)

4d. Fax No.

4e. e-Mail
(b) (6), (b) (7)(C)**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)
(signature of representative or person making charge)Title: (b) (6), (b) (7)(C)
(Print/type name and title or office, if any)

Address (b) (6), (b) (7)(C)

04/11/2016 10:12:26
(date)Tel. No.
(b) (6), (b) (7)(C)Office, if any, Cell No.
(b) (6), (b) (7)(C)

Fax No.

e-Mail
(b) (6), (b) (7)(C)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Additional Information in Support of Charge

Charging Party Name : (b) (6), (b) (7)(C) .

Inquiry Number : (b) (6), (b) (7)(C)

Date Submitted : 04/11/2016 10:12:26

Please provide a brief description of the specific conduct involved, the dates of the conduct, and the person(s) responsible for the conduct. For example, if you are filing a charge alleging an unlawful discharge, please include the date of the discharge and the individual(s) discharged. If you are claiming that the employer failed to provide information to the union, please include the date of request, the name and title of person to whom request was submitted, and a general description of information that was requested but not provided. If you are claiming that the union has failed to represent you in a grievance matter, please include the nature of the grievance.

The information you provide may be viewed by the charged party in the event of a formal proceeding, so PLEASE DO NOT GIVE A DETAILED ACCOUNT OF YOUR CHARGE OR A LIST OF POTENTIAL WITNESSES AT THIS TIME. A Board Agent will contact you to obtain this and other detailed information after your charge is docketed.

After you submit this E-Filed Charge form, you will receive a confirmation email with an Inquiry Number (Sample Inquiry Number: 1-1234567890) and a link to the E-Filing web page. You may use the link and the Inquiry number provided in the email to e-file any additional documents you wish to present in support of your charge.

Additional Information Provided:

I was threatened and proceeded to be sent home (b) (6), (b) (7)(C) early during a scheduled 8 hour shift on (b) (6), (b) (7)(C) 2016 by (b) (6), (b) (7)(C) for participating in concerted activities with another employee, (b) (6), (b) (7)(C), after responding to a request made by (b) (6), (b) (7)(C). The following morning, (b) (6), (b) (7)(C) 2016, I met with (b) (6), (b) (7)(C) at the place of employment, and was proceeded to be demoted including a lower position, decrease in wage, and loss of Full time hours.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Agency Website: www.nlr.gov
Telephone: (216)522-3715
Fax: (216)522-2418



Download
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April 12, 2016

(b) (6), (b) (7)(C)

Mcdonalds
6074 Speedway Dr.
Seville, OH 44273

Re: Mcdonalds
Case 08-CA-173746

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney KYLE VUCHAK whose telephone number is (216)522-7964. If this Board agent is not available, you may contact Supervisory Field Attorney RUDRA CHOUDHURY whose telephone number is (216)522-3723.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

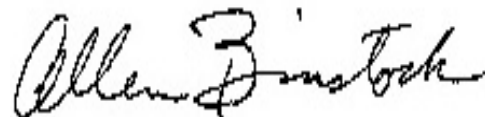
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Allen Binstock". The signature is written in a cursive, flowing style.

Allen Binstock
Regional Director

:cjc

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

08-CA-173746

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCDONALDS

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 08-CA-173746

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 12, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Mcdonalds
6074 Speedway Dr.
Seville, OH 44273

April 12, 2016

Date

Cynthia Clark, Designated Agent of NLRB

Name

/s/ Cynthia Clark

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 8
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Telephone: (216)522-3715
Fax: (216)522-2418



Download
NLRB
Mobile App

April 12, 2016

(b) (6), (b) (7)(C)

Re: McDonalds
Case 08-CA-173746

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on April 11, 2016 has been docketed as case number 08-CA-173746. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney KYLE VUCHAK whose telephone number is (216)522-7964. If this Board agent is not available, you may contact Supervisory Field Attorney RUDRA CHOUDHURY whose telephone number is (216)522-3723.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

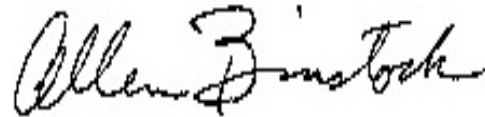
Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue

to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Allen Binstock". The signature is written in a cursive, flowing style.

Allen Binstock
Regional Director

:cjc

Vuchak, Kyle

From: Jaffe, Leah Z.
Sent: Thursday, April 21, 2016 8:42 AM
To: Choudhury, Rudra; Dunham, Geoffrey
Cc: Choe, Iva Y.; Vuchak, Kyle
Subject: RE: McDonalds, 08-CA-173746

Thanks for keeping us in the loop.

Leah Z. Jaffe
Regional Attorney
National Labor Relations Board, Region 2
26 Federal Plaza, Room 3614
New York, N.Y. 10278
(212) 264-0332
FAX (212) 264-2450
leah.jaffe@nrlrb.gov

From: Choudhury, Rudra
Sent: Thursday, April 21, 2016 8:38 AM
To: Jaffe, Leah Z. <leah.jaffe@nrlrb.gov>; Dunham, Geoffrey <geoffrey.dunham@nrlrb.gov>
Cc: Choe, Iva Y. <Iva.Choe@nrlrb.gov>; Vuchak, Kyle <Kyle.Vuchak@nrlrb.gov>
Subject: McDonalds, 08-CA-173746

Leah/Geoffrey:

An 8(a)(1) charge was filed on April 11 by an individual alleging (b) (6) discharge, discipline and other retaliatory conduct by a McDonalds in Seville, Ohio in retaliation for discussing wages with other employees (b) (5)

No merit determination was made by the Region on this matter.

The Charging Party re-filed this case yesterday in 08-CA-174489. There are no 10(b) issues with any of the charge allegations in the re-filed charge.

Region 8 would like to get clearance from your Region before approving this withdrawal request in 08-CA-173746. Please let me know if you have any questions or concerns.

Rudy

Rudra (Rudy) Choudhury,
Supervisory Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 E. Ninth Street, Room 1695
Cleveland, OH 44199-2086

Direct Dial: (216) 522-3723
Facsimile: (216) 522-2418

The NLRB strongly encourages all parties to file documents electronically through our online E-File system:
<https://mynlrb.nrlrb.gov/portal/nrlrb.pt?open=512&objID=202&mode=2>

The E-file links have been changed to the following:

- E-File <https://apps.nlr.gov/eservice/efileterm.aspx>
- E-File new Charge/Petition <https://apps.nlr.gov/eservice/efileterm.aspx?app=chargeandpetition>

Vuchak, Kyle

From: Dunham, Geoffrey
Sent: Thursday, April 21, 2016 10:18 AM
To: Choudhury, Rudra; Jaffe, Leah Z.
Cc: Choe, Iva Y.; Vuchak, Kyle; Wainstein, Richard; Kelly, David A.; Roberts, Tracey
Subject: RE: McDonalds, 08-CA-173746: withdrawal and new charge

Thanks for letting us know. OK to process withdrawal request.

From: Choudhury, Rudra
Sent: Thursday, April 21, 2016 8:38 AM
To: Jaffe, Leah Z. <leah.jaffe@nlrb.gov>; Dunham, Geoffrey <geoffrey.dunham@nlrb.gov>
Cc: Choe, Iva Y. <lva.Choe@nlrb.gov>; Vuchak, Kyle <Kyle.Vuchak@nlrb.gov>
Subject: McDonalds, 08-CA-173746

Leah/Geoffrey:

An 8(a)(1) charge was filed on April 11 by an individual alleging (b) (6) discharge, discipline and other retaliatory conduct by a McDonalds in Seville, Ohio in retaliation for discussing wages with other employees. (b) (5)

No merit determination was made by the Region on this matter.

The Charging Party re-filed this case yesterday in 08-CA-174489. There are no 10(b) issues with any of the charge allegations in the re-filed charge.

Region 8 would like to get clearance from your Region before approving this withdrawal request in 08-CA-173746. Please let me know if you have any questions or concerns.

Rudy

Rudra (Rudy) Choudhury,
Supervisory Field Attorney
National Labor Relations Board, Region 8
Anthony J. Celebrezze Federal Building
1240 E. Ninth Street, Room 1695
Cleveland, OH 44199-2086

Direct Dial: (216) 522-3723

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<https://mynlrb.nlr.gov/portal/nlrb.pt?open=512&objID=202&mcode=2>

The E-file links have been changed to the following:

- E-File <https://apps.nlrb.gov/eservice/efileterm.aspx>
- E-File new Charge/Petition <https://apps.nlrb.gov/eservice/efileterm.aspx?app=chargeandpetition>

From: [Binstock, Allen](#)
To: [Vuchak, Kyle](#)
Cc: [Choudhury, Rudra](#); [Botsch, Susan](#)
Subject: RE: Oral withdrawal of McDonalds case 08-CA-173746
Date: Tuesday, April 19, 2016 4:23:11 PM

OK, AB.

From: Vuchak, Kyle
Sent: Tuesday, April 19, 2016 4:11 PM
To: Binstock, Allen <Allen.Binstock@nlrb.gov>
Cc: Choudhury, Rudra <Rudra.Choudhury@nlrb.gov>; Botsch, Susan <Susan.Botsch@nlrb.gov>
Subject: Oral withdrawal of McDonalds case 08-CA-173746

Allen,

I met with the charging party in 08-CA-173746 today. (b) (6) requested to withdraw the charge and (b) (6) authorized me to process (b) (6) oral withdrawal.

Kyle Vuchak,
Field Attorney
National Labor Relations Board, Region 8
1240 E. Ninth Street, Room 1695
Cleveland, OH 44199-2086

Direct Dial: (216) 522-7964
FAX: (216) 522-2418



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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1240 E 9TH ST
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CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov
Telephone: (216)522-3715
Fax: (216)522-2418

April 22, 2016

(b) (6), (b) (7)(C)

MCDONALDS
6074 SPEEDWAY DR.
SEVILLE, OH 44273

Re: McDonalds
Case 08-CA-173746

Dear (b) (6), (b) (7)(C):

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Iva Y. Choe

IVA Y. CHOE
Acting Regional Director

IYC/skb

cc:

(b) (6), (b) (7)(C)